

## **REMARKS**

### **I. Background**

Applicants and applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent telephonic interview held on October 25, 2007. The present Amendment is submitted to address issues that were raised by the Examiner during the telephonic interview. Reconsideration and allowance for the above-identified application are now respectfully requested.

Since claims 13-19, 21, and 22 have been previously withdrawn, claims 1-12, 20, and 23 were pending in the application for consideration at the time of the interview. Claims 1, 7, and 23 are currently amended and claims 24-29 are newly added. Claims 1-12, 20, 23-29 are pending for consideration.

### **II. Numerical Ranges for Powdered Luo Han Guo**

Pursuant Examiner's request, numerical ranges have been added to more specifically define an effective amount of powdered Luo Han Guo needed to mask the unpleasant flavor of noni juice.

### **III. U.S. Pat. No. 5,433,965 to Fischer et al.**

During the telephonic interview an issue was raised with regards the language of Fischer et al., column 4, lines 20-40. Examiner raised an issue as to whether Fischer et al. discuss the use of powdered Luo Han Guo. Specifically, Examiner pointed to lines 38-40 that recite "[t]hese as [sic] sweet juices can be concentrated but are mostly used as single strength juice or as dried powders." Column 4, lines 20-40 define the meanings of "sweet juice," "puree or serum," and "sweet juice concentrate" as "the puree or serum or juice from any fruit from the plant of the family Cucurbitaceae . . . with particular reference to making a Luo Han Guo sweet juice or concentrated juice, puree or serum . . . useful in this invention."

Based on this context, Applicants respectfully suggest that it is clear that when Fischer et al. use the term "dried powders" they are not discussing powdered Luo Han Guo made from whole fruit. Fischer et al. are instead discussing a dried sweet juice that is extracted according to the invention that is disclosed in the Fischer et al application. As Applicants have suggested more fully elsewhere, the sweet juice of Fischer et al. is a highly extracted and purified form of Luo Han Guo that is, in the words of Fischer et al., "essentially free of the vegetable flavor and the bitter, astringent, brown flavor of the extracts of the dried" Luo Han Guo. Fischer, column 2,

lines 13-15. Applicants respectfully suggest that Fischer et al. are advocating the use of a dried form of the sweet juice extract that they teach elsewhere in their application and not the use of unrefined, dried Luo Han Guo as taught in the present application.

Applicants also respectfully suggest that that it is clear that Fischer et al. are not advocating using the powder made from dried Luo Han Guo when they refer to "dry powders" in column 4, lines 39-40. That is, Fischer et al.'s whole application is essentially about how dried Luo Han Guo is undesirable and that their purified extract is superior. For example, see column 1, lines 53-59 wherein the applications states that dried Luo Han Guo has "bitter, astringent, and brown flavors" that make it undesirable for all but the "preparation of dilute teas and soups and products to which sugar, honey and the like are added."

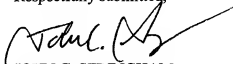
### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and submit that the rejections to the claims have been overcome. Applicants believe claims 1-12, 20, and 23-29 are in allowable form as discussed above. Thus, Applicants respectfully request reconsideration of the application and allowance of presently pending claims.

In the event the Examiner finds any remaining impediment to the prompt allowance of this application which could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 9<sup>th</sup> day of January, 2008.

Respectfully submitted,



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